

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATHAN LORING,
Petitioner,

v.

ALICE PAYNE,
Respondent.

Case No. C05-1599-JLR-JPD

ORDER DIRECTING STAY AND
ABEYANCE

Petitioner is an inmate at the McNeil Island Corrections Center in Steilacoom, Washington who has filed a pro se 28 U.S.C. § 2254 petition for writ of habeas corpus. Dkt. No. 4. The Court determined that the petition presented both exhausted and unexhausted claims. Dkt. No. 13. It therefore gave petitioner the option to (1) amend his petition in order to proceed only with his exhausted claims, (2) withdraw the entire petition and resubmit it once he had exhausted his remaining claims, or (3) show good cause as to why the Court should stay the entire petition pending the exhaustion of his unexhausted claims. *Id.*

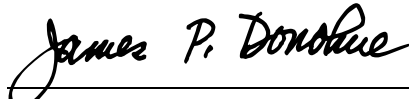
In response, petitioner moved the Court to stay and abey his petition, so that he could exhaust his unexhausted claims in State court. Dkt. No. 14. Respondent filed a response to petitioner's request that indicates State procedural rules now prevent petitioner from returning to State court. Dkt. No. 16. Having carefully reviewed the parties' papers and the balance of the record, the Court ORDERS as follows:

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01 (1) The Court directs that petitioner's 28 U.S.C. § 2254 PETITION BE HELD IN
02 ABEYANCE. Dkt. Nos. 13, 14. Petitioner has shown good cause to grant a limited stay, so
03 that he can make every effort to properly exhaust his claims and/or verify that he is procedurally
04 barred from doing so. Petitioner shall advise the Court of the status of his petition **no later**
05 **than August 18, 2006.**

06 (2) The Court is directed to send a copy of this order to the parties and to the
07 Honorable James L. Robart.

08 DATED this 15th day of May, 2006.

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11 JAMES P. DONOHUE
12 United States Magistrate Judge
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